

House Study Bill 193

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to mental health, mental retardation,
2 developmental disabilities, and brain injury services and the
3 services fund administered by counties by revising levy
4 provisions applicable to that fund, providing for county
5 administration of services on behalf of the state, and
6 providing for development of assessment processes, and
7 including an effective and applicability date.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 TLSB 1270DP 81
10 jp/sh/8

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1 1 Section 1. Section 331.424A, subsection 4, Code 2005, is
1 2 amended to read as follows:
1 3 4. a. For the fiscal year beginning July 1, ~~1996~~ 2006,
1 4 and for each subsequent fiscal year, the county shall certify
1 5 a levy for payment of services. For each fiscal year, county
1 6 revenues from taxes imposed by the county credited to the
1 7 services fund shall ~~not exceed an amount equal to the amount~~
~~1 8 of base year expenditures for services as defined in section~~
~~1 9 331.438, less the amount of property tax relief to be received~~
~~1 10 pursuant to section 426B.2, in the fiscal year for which the~~
~~1 11 budget is certified be determined by applying the county's~~
~~1 12 authorized levy rate to the assessed value of taxable property~~
~~1 13 for that county. The county auditor and the board of~~
~~1 14 supervisors shall reduce the amount of the levy certified for~~
~~1 15 the services fund by the amount of property tax relief to be~~
~~1 16 received. For each fiscal year, the state commission shall~~
~~1 17 adopt rules identifying, for county services funds, a~~
~~1 18 statewide minimum levy rate per thousand dollars of assessed~~
~~1 19 value of taxable property. In identifying the minimum levy~~
~~1 20 rate, the commission shall consider the levy rates in effect~~
~~1 21 for all counties. The statewide maximum levy rate shall be~~
~~1 22 equal to double the statewide minimum levy rate for the fiscal~~
~~1 23 year. A county's authorized levy rate for a fiscal year shall~~
~~1 24 be an amount certified by the board of supervisors that is not~~
~~1 25 less than the statewide minimum levy rate or more than the~~
~~1 26 statewide maximum levy rate applicable to that fiscal year. A~~
~~1 27 levy certified under this section is not subject to the appeal~~
~~1 28 provisions of section 331.426 or to any other provision in law~~
~~1 29 authorizing a county to exceed, increase, or appeal a property~~
~~1 30 tax levy limit.~~
1 31 b. Notwithstanding paragraph "a", for fiscal years
1 32 beginning July 1, 2006, July 1, 2007, and July 1, 2008, if a
1 33 county's certified services fund levy rate per thousand
1 34 dollars of assessed value of taxable property as of March 15,
1 35 2004, is less than the statewide minimum levy rate, the county
2 1 board of supervisors may annually certify an incremental
2 2 increase in the county's services fund levy rate as necessary
2 3 to fully implement at least the statewide minimum levy rate
2 4 effective for the fiscal year beginning July 1, 2009, and
2 5 subsequent fiscal years.
2 6 Sec. 2. NEW SECTION. 331.440B STATE CASES.
2 7 1. For the purposes of this section, unless the context
2 8 otherwise requires:
2 9 a. "County resident" means an individual who is described
2 10 by all of the following:
2 11 (1) The person is at least age eighteen.
2 12 (2) The person is a citizen of the United States or a
2 13 qualified alien as defined in 8 U.S.C. } 1641.
2 14 (3) The person has established an ongoing presence in a

2 15 county in this state, and not in any other county or state,
2 16 with the declared, good faith intention of living in that
2 17 county for a permanent or indefinite period of time. An
2 18 individual who meets the definition of homeless person in
2 19 section 48A.2 also shall be deemed to be described by this
2 20 subparagraph.

2 21 b. "State case" is an individual who has no county of
2 22 legal settlement or the individual's legal settlement is
2 23 unknown and the state is responsible for the nonfederal share
2 24 of the costs of services and other support provided to the
2 25 individual.

2 26 2. Beginning during the fiscal year that commences July 1,
2 27 2005, the department of human services and counties shall
2 28 implement a process for counties to manage the services and
2 29 other support provided to county residents with chronic mental
2 30 illness, mental illness, mental retardation, developmental
2 31 disabilities, or brain injury who are state cases. A county
2 32 shall provide services and other support to a county resident
2 33 who is a state case in accordance with the county's management
2 34 plan for mental health, mental retardation, and developmental
2 35 disabilities services implemented under section 331.439 and
3 1 subject to the county's reimbursement requirements. The state
3 2 shall reimburse the county for the nonfederal share of the
3 3 costs of the services and other support provided.

3 4 3. This section is repealed July 1, 2007.

3 5 Sec. 3. 2004 Iowa Acts, chapter 1175, section 173,
3 6 subsection 2, paragraph c, is amended by adding the following
3 7 new unnumbered paragraph:

3 8 NEW UNNUMBERED PARAGRAPH. Of the amount allocated in this
3 9 paragraph "c", one hundred thousand dollars shall be used by
3 10 the department of human services during the fiscal year
3 11 beginning July 1, 2005, to further develop and implement the
3 12 use of uniform functional assessment tools and processes for
3 13 adult persons receiving mental health, mental retardation,
3 14 developmental disabilities, and brain injury services funded
3 15 by the state or counties.

3 16 Sec. 4. EFFECTIVE AND APPLICABILITY DATE. The section of
3 17 this Act amending section 331.424A takes effect January 1,
3 18 2006, and is applicable to taxes payable in the fiscal year
3 19 beginning July 1, 2006, and subsequent fiscal years.

3 20 EXPLANATION

3 21 This bill relates to mental health, mental retardation,
3 22 developmental disabilities, and brain injury (MH/MR/DD/BI)
3 23 services and the services fund administered by counties by
3 24 revising levy provisions applicable to that fund, providing
3 25 for county administration of services on behalf of the state,
3 26 and providing for development of assessment processes.

3 27 Code section 331.424A, relating to the county MH/MR/DD
3 28 services fund, is amended by revising the property tax levy
3 29 authority requirements for that fund. Current law limits the
3 30 dollar amount that may be raised for a county's services fund
3 31 from property taxes to a base year expenditures amount
3 32 identified by the county, as reduced by property tax relief
3 33 funding provided to the county by the state. Effective
3 34 commencing with the fiscal year beginning July 1, 2006, the
3 35 absolute dollar limit on services fund levies would be
4 1 replaced with a limitation on the levy rate per \$1,000 of
4 2 property value, within minimum and maximum levy rates
4 3 established by the state MH/MR/DD/BI commission. If a
4 4 county's levy rate for the services fund in effect as of March
4 5 15, 2004, is less than the minimum levy rate established by
4 6 the state commission, the county may incrementally increase
4 7 the levy over the next three years in order to fully implement
4 8 at least the minimum levy rate by the fiscal year beginning
4 9 July 1, 2009. This section takes effect January 1, 2006, and
4 10 is applicable to taxes payable in the fiscal year beginning
4 11 July 1, 2006, and subsequent fiscal years.

4 12 New Code section 331.440B provides for counties to assume
4 13 responsibility for managing MH/MR/DD/BI services provided to
4 14 adult persons who are county residents and state cases. The
4 15 bill provides definitions of "county resident" and "state
4 16 case". Counties would begin assuming this responsibility
4 17 during the fiscal year beginning July 1, 2005. The new Code
4 18 section is repealed July 1, 2007.

4 19 The bill further allocates an allocation for the risk pool
4 20 within an appropriation previously made to the property tax
4 21 relief fund for county MH/MR/DD services allowed growth in
4 22 fiscal year 2005=2006. The allocation is required to be used
4 23 by the department of human services to further develop and
4 24 implement the use of uniform functional assessment tools and
4 25 processes for adult persons receiving MH/MR/DD/BI services

4 26 funded by the state or counties.
4 27 LSB 1270DP 81
4 28 jp:nh/sh/8